

REMARKS

Reconsideration of the application is requested.

Claims 1-16 remain in the application. Claims 1-13 are subject to examination. Claims 1, 10, 11 and 14 have been amended. Claims 14-16 are allowed.

Under the heading "Claim Objections" on page 2 of the above-identified Office Action, claim 14 was objected to for an informality. Claim 14 has been amended per the Examiner's proposed correction of deleting the extra word "first".

Under the heading "Claim Rejections - 35 USC § 102" on pages 3-5 of the above-identified Office Action, claims 1-2 and 4-13 have been rejected as being fully anticipated by U.S. Patent Disclosure No. 2003/0184448 A1 Kagan (hereinafter Kagan) under 35 U.S.C. § 102.

Kagan teaches a meter 10 having an IrDA port 12 for relying pertinent meter information to a hand held computing device 30. The IrDA port 12 is an infrared transmitter/receiver and transmits optical signals. The IrDA port 12 intermittently transmits an optical pulse. When in range, the computing device 30 picks up the optical pulse and transmits an acknowledgement pulse. Upon detection of computing device 30, the IrDA port 12 transmits data (e.g. customer identification

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data and related consumption data) to the computing device 30 (see paragraphs 28-30 of Kagan). The computing device 30 can also transmit data back to the meter 10 via optical communications.

The computing device 30 in turn can store the data and transmit the data wirelessly or non-wirelessly to a further device (see paragraph 030).

It is noted that the meter 10 of Kagan can only transmit information to the computing device 30 by optical communications. In contrast, in the instant application the terminal apparatuses 4, 4', and 4'' (equivalent to the meter 10 of Kagan) announce themselves to the master collector 1 (equivalent to the computing device 30 of Kagan) via optical communications but than transmit further information such as consumption data via radio modules 12, 14 as described on page 10, lines 2-15 of the instant application.

In summary, the meter 10 of Kagan cannot transmit information via radio channels because the meter 10 does not have a radio module. To fully support Applicant's arguments and to overcome the Kagan reference claims 1, 10 and 11 have been amended such that it is clear that the individual apparatus transmits data by radio after using exclusively optical communication for the announcement step. The specification of

the instant application from page 5, line 23 to page 6, line 3 teaches the separate uses of the two (e.g. optical and radio) communication paths.

More specifically, claim 1 has been amended as follows:

after completing the announcing step, the individual apparatus communicating further information through radio communications.

As the meter 10 of Kagan cannot perform radio communications, Kagan no longer anticipates claim 1 of the instant application.

Claim 10 has been amended as follows:

said apparatus having ... a radio module for transmitting further information to the other apparatus.

As the meter 10 of Kagan cannot perform radio communications, Kagan no longer anticipates claim 10 of the instant application.

Claim 11 has been amended as follows:

a first apparatus ... having ... a first radio module; and
said second apparatus having a second radio module for transmitting further information to said first apparatus.

As the meter 10 of Kagan cannot perform radio communications, Kagan no longer anticipates claim 11 of the instant application.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1, 10, 11, or 14.

Claims 1, 10, and 11 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on one of claims 1 and 11.

In view of the foregoing, reconsideration and allowance of claims 1-13 are solicited. Claims 14-16 are allowed.

It is appreciatively noted that claim 3 is indicated as being allowable.

If an extension of time is required, petition for extension is herewith made. Any extension fee associated therewith should be charged to the Deposit Account of Lerner Greenberg Stemer LLP, No. 12-1099.

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner

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Respectfully submitted,



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